

11-2804-cr

United States Court of Appeals
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

-v.-

CHRISTIAN GATON,

Defendant - Appellant,

Jorge Abreu, Rudy Palma, Rafael Figueroa, AKA Rafael Beato, AKA Liro, AKA Camaron, Jose Hidalgo, AKA C.O. Shield 11440 Jose Rosario, AKA Jose Amaurys, Jimmy Ortiz, Pedro Ventura, Roberto Cristian Urena Almonte, AKA Villa Lona, AKA Christian Urena, AKA Roberto Almonte, Leocadio Hidalgo, AKA C.O. Leo, Leonardo Roque-Santana, AKA Luis M. Mendoza, Guillermo Delacruz, Quilvio Santana, AKA Mayimbe, Victor Diaz, AKA White Horse, Jeffrey Blake, Humberto Sanchez, AKA Chamo, Defendants.

ON APPEAL FROM A JUDGMENT OF THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

APPENDIX

Joyce C. London, Esq.
JOYCE C. LONDON, P.C.
Attorney for Defendant-Appellant
Christian Gaton
20 Vesey Street, Suite 400
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Michael A. Young
Of Counsel

APPEAL

**U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:02-cr-00401-KMW-8**

Case title: USA v. Abreu

Date Filed: 05/07/2002
Date Terminated: 06/30/2011

Assigned to: Judge Kimba M. Wood

Defendant (8)**Christian Gaton**

TERMINATED: 06/30/2011

represented by **Edward David Wilford**
Edward D. Wilford, Esq.
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TERMINATED: 01/30/2007
LEAD ATTORNEY
*Designation: CJA Appointment***Joyce Clemow London**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: CJA Appointment***Pending Counts**PENALTIES FOR FIREARMS (18,
USC, 924(j) (1), 924(c)(1)(A)(iii), 924
(c)(1)(B)(i), & 2.)
(6)**Disposition**Imprisonment: 405 months, with credit
for time served. Supervised Release: 5
years.**Highest Offense Level (Opening)**

Felony

Terminated Counts**Disposition**

001

CONTINUING CRIMINAL ENTERPRISE (18, USC, 1961 & 1962 (c).)	Dismissed.
(1)	
RACKETEERING (18, USC, 1962(d).) (2)	Dismissed.
MURDER, FIRST DEGREE (18, USC, 1959(a)(1) & 2.) (3-4)	Dismissed.
CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCE (21, USC, 846.) (5)	Dismissed.
PENALTIES FOR FIREARMS (18, USC, 924(j) (1), 924(c)(1)(A)(iii) & 2.) (7)	Dismissed.
MONEY LAUNDERING - RACKETEERING (18, USC, 1956(h).) (11)	Dismissed.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition**Plaintiff**

USA

represented by **David Matthew Rody**
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002

		w/consent of both dft's counsel, it is hereby ORDERED that the next PTC scheduled for 1/9/06, is adjourned until 1/13/06 at 12:00 pm.... Accordingly, ORDERED that the period beginning January 9, 2006 through and including 1/13/06, shall be excluded from the computation of time within which trial must commence in the above cap case, pursuant to the STA. (Signed by Judge Kimba M. Wood on 1/6/06)(ja,) (Entered: 01/17/2006)
01/20/2006	67	ENDORSED LETTER as to Rafael Figueroa, Christian Gaton addressed to Judge Wood from David M. Rody re: Reschedule Conference., ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Rafael Figueroa, Christian Gaton. Pretrial conference set for 1/27/06 at 4:00pm. Time excluded from 1/13/06 until 1/27/06. Judge Memo-endorsed...SO ORDERED. (Signed by Judge Kimba M. Wood on 1/12/06)(jw,) (Entered: 01/23/2006)
01/20/2006		Minute Entry for proceedings held before Judge Kimba M. Wood : as to Rafael Figueroa, Christian Gaton; Pretrial Conference set for 1/27/2006 04:00 PM before Judge Kimba M. Wood. (jw,) (Entered: 01/23/2006)
01/20/2006	68	ORDER as to Rafael Figueroa, Christian Gaton., ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Rafael Figueroa, Christian Gaton. Time excluded from 1/13/06 until 1/27/06. (Signed by Judge Kimba M. Wood on 1/17/06)(jw,) (Entered: 01/23/2006)
01/27/2006		Minute Entry for proceedings held before Judge Kimba M. Wood :Pretrial Conference as to Rafael Figueroa, Christian Gaton held on 1/27/2006. Deft Rafael Figueroa is present with his atty Oliver Storch. Deft Cristian Gaton is present with his atty, Edward Wilford. AUSA David Rody is present.Court Reporter Michelle Bulkley is present. Court interpreter Luciana Ames is present. Conference held (see transcript). Deft Figueroa is arraigned on Fourth Superseding Indictment. Deft waives public reading and pleads not guilty. Government will file nolle prosequi as to Seventh Superseding Indictment on which deft Figueroa was previously arraigned. Government will send court papers as to necessity for a Curcio hearing with respect to Oliver Storch's representation of Rafael Figueroa. It is anticipated that conflict is waiveable. Government requests sixty days to produce discovery because there is a large amount of discovery. Next conference is scheduled for April 28, 2006 at 10:00a.m. Time is excluded through April 28, 2006. (jar,) (Entered: 01/31/2006)
01/27/2006		ORAL ORDER as to Rafael Figueroa, Christian Gaton Time excluded from 1/27/2006 until 4/28/2006., As to Rafael Figueroa, Christian Gaton Pretrial Conference set for 4/28/2006 10:00 AM before Judge Kimba M. Wood. (Signed by Judge Kimba M. Wood on 1/27/2006)(jar,) (Entered: 01/31/2006)
04/28/2006	79	ENDORSED LETTER as to Rafael Figueroa, Jose Hidalgo, Christian Gaton, Guillermo Delacruz addressed to Judge Wood from David M. Rody dated 4/25/06 re: Reschedule Conference., as to Rafael Figueroa, Jose Hidalgo, Christian Gaton, Guillermo Delacruz; Pretrial Conference set for 6/2/2006 03:45 PM before Judge Kimba M. Wood. Judge Memo-endorsed...The pretrial conference in this case adjourned to June 2, 2006 at 3:45pm. SO ORDERED. (Signed by Judge Kimba M. Wood on 4/26/06)(jw,) (Entered:

		04/28/2006)
04/28/2006	80	ORDER as to Rafael Figueroa, Roberto Almonte, Christian Gaton, Guillermo Delacruz Ordered that the Pretrial conference scheduled in this case for 4/28/06 is adjourned until 6/2/06 @ 3:45 pm. as indicated. Further ordered that the period beginning 4/26/06, through and including 6/2/06 shall be excluded as indicated... (Signed by Judge Kimba M. Wood on 4/26/06) Copies faxed by chambers.(pr,) (Entered: 05/02/2006)
04/28/2006		Set/Reset Hearings as to Rafael Figueroa, Roberto Almonte, Christian Gaton, Guillermo Delacruz: Pretrial Conference set for 6/2/2006 03:45 PM before Judge Kimba M. Wood..(pr,) (Entered: 05/02/2006)
06/02/2006		Minute Entry for proceedings held before Judge Kimba M. Wood :Status Conference as to Rafael Figueroa, Roberto Almonte, Christian Gaton, Guillermo Delacruz held on 6/2/2006, as to Rafael Figueroa, Roberto Almonte, Christian Gaton, Guillermo Delacruz; Status Conference set for 9/15/2006 10:00 AM before Judge Kimba M. Wood. Deft Roberto Cristian Urena Almonte is present with Edward Wilford standing in for his atty, Anthony Ricco. Deft Cristian Gaton is present with his atty Edward Wilford. Deft Rafael Figueroa is present with his atty Oliver Storch. Deft Guillermo Delacruz is present with Edward Wilford standing in for his atty Erica McDaniels. AUSA David Rody is present. Court reporter Carol Ganley is present. Court interpreter Anna Maria Riso is present. Conference is held (see transcript). Most of discovery has been produced. Next conference is scheduled for September 15, 2006 at 10:00am. At that conference, defts will notify the court what, if any, motions they intend to make. Time is excluded through September 15, 2006. (jw,) (Entered: 06/09/2006)
08/17/2006	88	MOTION To Change Counsel. Document filed by Christian Gaton. (jw,) (Entered: 08/18/2006)
08/28/2006	92	Letter by Christian Gaton addressed to Mr Wilford from Christian Gaton dated 8/28/06 re: Motion to change counsel (pr,) (Entered: 09/15/2006)
09/05/2006	90	ENDORSED LETTER as to Christian Gaton addressed to Judge Wood from Attorney D. Wilford dated 8/28/06 re: submitted to report to the court that as a result of the meeting Mr. Gaton wants to withdraw the motion for Change of Counsel and continue with Mr. Wilford as his counsel. Judge Endorsed - Mr. Gaton's Motion for change of counsel, dated August 8, 2006, is deemed moot. At the next conference, the Court will confirm with Mr. Gaton his wish for his motion to be deemed moot. (Signed by Judge Kimba M. Wood on 8/31/06)(bw,) (Entered: 09/05/2006)
09/15/2006		Minute Entry for proceedings held before Judge Kimba M. Wood :Pretrial Conference as to Rafael Figueroa, Roberto Almonte, Christian Gaton, Guillermo Delacruz held on 9/15/2006. Deft's pres. w/attys and AUSA. Govt. believes that there may be a need for a Curcio hearing regarding Mr. Kulscar's potential conflict (having represented deft Delacruz in the past). The parties inform the court that the State Dept. has deemed deft Gaton not eligible for the death penalty. There must now be a DOJ hearing on this matter, and then the issue will be resolved. Deft. gaton reiterates to the court that he wishes to

		have new counsel appointed. Mr. Wilford informs the court that deft Gaton has filed a financial affidavit. The court will appoint CJA counsel today, granted that there is no conflict. The govt. requests that CJA counsel appointed be on the Capital Case panel. Mr. Kulcsar informs the court that he renewed his application for a paralegal. Mr Kulcsar will let the court know, by fax, the monetary cap in this case for appointment of a paralegal, and whether deft Almonte has already filed a financial affidavit. The next conference is scheduled for 12/1/06 @ 12pm. Time is excluded though 12/1/06. (Court Reporter Michelle Bulkley interpreter Mirta Hess) (pr,) (Entered: 09/18/2006)
09/15/2006		ORAL ORDER as to Rafael Figueroa, Roberto Almonte, Christian Gaton, Guillermo Delacruz. Pretrial Conference set for 12/1/2006 12:00 PM before Judge Kimba M. Wood..(by Judge Kimba M. Wood on 9/15/06)(pr,) (Entered: 09/18/2006)
09/15/2006		ORAL ORDER as to Rafael Figueroa, Roberto Almonte, Christian Gaton, Guillermo Delacruz Time excluded from 9/15/06 until 12/1/06..(by Judge Kimba M. Wood on 9/15/06)(pr,) (Entered: 09/18/2006)
10/17/2006	97	TRANSCRIPT of Proceedings as to Rudy Palma, Rafael Figueroa, Jose Hidalgo, Jimmy Ortiz, Pedro Ventura, Roberto Almonte, Christian Gaton, Leocadio Hidalgo, Leonardo Roque-Santana, Guillermo Delacruz, Quilvio Santana, Victor Diaz, Jeffrey Blake, Humberto Sanchez, Jorge Abreu held on 9/15/06 before Judge Kimba M. Wood. (tro,) (Entered: 10/17/2006)
11/22/2006	101	ORDER as to Christian Gaton. Lucia Corona is to be compensated at the prevailing CJA rate for services provided in translating the indictment in this case. SO ORDERED. (Signed by Judge Kimba M. Wood on 11/20/2006) (jar,) (Entered: 11/22/2006)
11/22/2006	102	ORDER as to Christian Gaton. Edward D. Wilford, Esq, counsel for the deft be compensated at the reate of \$163.00. Mr. Wilford is appointed pursuant to the Criminal Justice Act Plan regarding Capital Counsel in the SDNY. The appointment is nunc pro tunc to the date of Mr. Wilford's appointment as counsel for Mr. Gaton through the date he was relieved as counsel. SO ORDERED. (Signed by Judge Kimba M. Wood on 11/20/2006)(jar,) (Entered: 11/27/2006)
12/22/2006	104	ORDER as to Roberto Almonte, Christian Gaton, Guillermo Delacruz. It is hereby ORDERED that the pretrial conference scheduled in this case for 12/1/06, is adjourned until 1/26/07 at 11:00 a.m. It is further ORDERED that the period beginning 12/19/06 through and including 1/26/07 shall be excluded from the computation of time within which trial must commence in the above captioned-case, pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), in the interests of justice. (Signed by Judge Kimba M. Wood on 12/19/06)(bw,) (Entered: 12/27/2006)
12/22/2006		Set/Reset Hearings as to Roberto Almonte, Christian Gaton, Guillermo Delacruz: Pretrial Conference set for 1/26/2007 11:00 AM before Judge Kimba M. Wood.(bw,) (Entered: 12/27/2006)
01/18/2007	107	ORDER as to Roberto Almonte, Christian Gaton, Guillermo Delacruz. It is

		hereby ordered that because of the anticipated length of the trial in this case, CJA attorney(s) may submit interim vouchers for representation of his/their client. Each voucher is to cover a minimum of a two (2) week period with the first voucher to include the period from the date of appointment. [See Order]. (Signed by Judge Kimba M. Wood on 12/20/06); CJA Atty Anthony Ricco, Deft Roberto Almonte; CJA Atty Edward Wilford, Deft Christian Gaton, CJA Atty Erika McDaniel Edwards, Deft Guillermo Delacruz. (bw) (Entered: 01/23/2007)
01/30/2007	108	ORDER as to Christian Gaton. C.J.A. attorney Joyce London is hereby ordered to assume representation of the deft in the above-captioned matter. (Signed by Judge Kimba M. Wood on 1/26/07); Copies mailed by Chambers. (bw) (Entered: 01/30/2007)
01/30/2007	109	ORDER as to Roberto Almonte, Christian Gaton, Guillermo Delacruz.... It is hereby ORDERED that the pretrial conference scheduled in this case for 1/26/07, is adjourned until 2/21/07, at 3:00 p.m.... It is further ORDERED that the period beginning 1/26/07 through and including 2/21/07 shall be excluded from the computation of time within which trial must commence in the above captioned-case, pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), in the interests of justice. (Signed by Judge Kimba M. Wood on 1/26/07); Copies mailed by Chambers. (bw) (Entered: 01/30/2007)
01/30/2007		Set/Reset Hearings as to Roberto Almonte, Christian Gaton, Guillermo Delacruz: Pretrial Conference set for 2/21/2007 03:00 PM before Judge Kimba M. Wood. (bw) (Entered: 01/30/2007)
01/30/2007		Attorney update in case as to Christian Gaton. Attorney Joyce Clemow London for Christian Gaton added. Attorney Edward David Wilford terminated. (pr) (Entered: 03/27/2008)
02/21/2007		Minute Entry for proceedings held before Judge Kimba M. Wood :Pretrial Conference as to Roberto Almonte, Christian Gaton held on 2/21/2007; Pretrial Conference set for 4/20/2007 11:00 AM before Judge Kimba M. Wood. Deft Roberto Cristian Urena-Almonte is present. Det Cristian Gaton is present with his atty Joyce London. Court reporter Jerry Harrison is present. Court Interpreter Mirta Hess is present. Conference is held (see transcript). The Government informs the Court that these are fugitives in the D.R. New Counsel Joyce London needs time to get familiar with the case. The next conference is scheduled for April 20 at 11:00am. The Court will call Mr. Kulscar and Mr. Ricco (who are not present at this conference) to confirm this date and time. Time is excluded through April 20, 2007. (jw) (Entered: 02/27/2007)
05/04/2007	116	ENDORSED LETTER as to Roberto Almonte, Christian Gaton addressed to Judge Kimba M. Wood from Joyce London and Anthony L. Ricco dated 5/1/2007 re: request an adjournement of the scheduled conference. Endorsement: The conference is adjourned to 6/1/2007 11:30 AM before Judge Kimba M. Wood. SO ORDERED. (Signed by Judge Kimba M. Wood on 4/3/2007)(jar) (Entered: 05/04/2007)
05/08/2007	117	ORDER as to Roberto Almonte, Christian Gaton., as to Roberto Almonte,

		Christian Gaton, ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Roberto Almonte, Christian Gaton. Time excluded from 5/3/07 until 6/1/07; Pretrial Conference set for 6/1/2007 11:30 AM before Judge Kimba M. Wood (Signed by Judge Kimba M. Wood on 5/3/07)(jw) (Entered: 05/10/2007)
06/01/2007		Minute Entry for proceedings held before Judge Kimba M. Wood :Status Conference as to Roberto Almonte, Christian Gaton held on 6/1/2007. Deft Robert Cristian Urena Almonte is present w/his attys Richard Landes and Anthony Ricco. Deft Cristian Gaton is present w/his atty Joyce London. Law student/intern Tamara Schmidt is present. Court reporter is present. Court interpreter Elena Rich is present. Conference is held (see transcript). Deft Urena Almonte is going to present a death penalty memorandum to the Govt within the next two weeks. The Govt, after considering the case, will make their recommendation to the Department of Justice. Deft Gaton has brought some outstanding discovery issues to the Govt's attention. If the parties cannot resolve them, they will notify the Court. Deft Gaton also brings some medical issues to the Court's attention, and the Govt's. The Govt will intervene. If this does not produce results, the deft will notify the Court. The deft may also submit a subpoena to the Court for the deft's medical records. The next conference is scheduled for Friday, 9/14/07 at 10:00 a.m. Time is excluded through 9/14/07. (bw) (Entered: 06/07/2007)
06/01/2007		ORAL ORDER as to Roberto Almonte, Christian Gaton. Time excluded from 6/1/07 until 9/14/07. Status Conference set for 9/14/2007 at 10:00 AM before Judge Kimba M. Wood. (bw) (Entered: 06/07/2007)
09/17/2007	130	ORDER as to Roberto Almonte, Christian Gaton. The Pretrial Conference set for 9/14/2007 is adjourned to 10/15/2007 at 11:00 AM before Judge Kimba M. Wood. Time between 9/14/2007 through 10/15/2007, shall be excluded from the Speedy Trial Clock. (Signed by Judge Kimba M. Wood on 9/14/2007)(jar) (Entered: 09/17/2007)
09/17/2007	131	ENDORSED LETTER as to Roberto Almonte, Christian Gaton addressed to Judge Kimba M. Wood from David M. Rody dated 9/12/2007 re: request that the pretrial conference scheduled for 9/14/2007, be adjourned for at least 30 days. Endorsement: Pretrial Conference set for 10/15/2007 at 11:00 AM before Judge Kimba M. Wood. (Signed by Judge Kimba M. Wood on 9/14/2007)(jar) (Entered: 09/18/2007)
10/17/2007	133	ENDORSED LETTER as to Roberto Cristian Urena Almonte, Christian Gaton addressed to Judge Wood from AUSA David M. Rody dated 10/12/07 re: submitted to request that the pretrial conference currently scheduled for 10/15/07, be adjourned for at least approximately 30 days. The Govt further requests that the Court exclude time under the Speedy Trial Act from the date of the Judge's consideration through the date that is set for the new conference. ENDORSEMENT: The conference is adjourned to November 13, 2007 at 2:00 p.m. So Ordered. (Signed by Judge Kimba M. Wood on 10/12/07); Copies faxed by Chambers.(bw) (Entered: 10/18/2007)
10/17/2007	134	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Roberto Cristian Urena Almonte and Christian Gaton.... ORDERED that the Pretrial

		Conference scheduled in this case for 10/15/07, is adjourned until 11/13/2007 at 02:00 PM before Judge Kimba M. Wood. The adjournment of the conference until that date best serves the ends of justice.... Accordingly, it is further ORDERED that the period beginning 10/12/07 through and including 11/13/07, shall be excluded from the computation of time within which trial must commence in the above captioned-case, pursuant to the Speedy Trial Act... (Signed by Judge Kimba M. Wood on 10/12/07)(ja) (Entered: 10/22/2007)
11/13/2007		Minute Entry for proceedings held before Judge Kimba M. Wood :Status Conference as to Roberto Cristian Urena Almonte, Christian Gaton held on 11/13/2007, as to Roberto Cristian Urena Almonte, Christian Gaton; Status Conference set for 2/29/2008 at 11:00 AM before Judge Kimba M. Wood. Defendant Cristian Gaton is present with his atty Joyce London. Defendant Roberto Cristian Urena-Almonte is present with his atty Anthony Ricco. AUSA David Rody is present. Court reporter Eve Giniger is present. Court interpreter Nancy Festinger is present. Conference is held(see transcript). The next conference is scheduled for February 29, 2008 at 11:00am. If the parties believe that the conference is unnecessary, they shall call Chambers ahead of time. Time is excluded through February 29, 2008. (jw) (Entered: 11/16/2007)
01/09/2008	135	TRANSCRIPT of Proceedings as to Roberto Cristian Urena Almonte, Christian Gaton held on 11/13/07 @ 2:20PM before Judge Judge Kimba M. Wood. (pr) (Entered: 01/09/2008)
02/25/2008	136	ENDORSED LETTER as to Roberto Cristian Urena Almonte, Christian Gaton addressed to Judge Wood from AUSA David M. Rody dated 2/22/08 re: submitted to request that the pretrial conference scheduled for 2/29/08, be adjourned until 3/28/08 at 11:00 a.m. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Kimba M. Wood on 2/22/08)(bw) (Entered: 02/25/2008)
02/25/2008	137	ORDER as to Roberto Cristian Urena Almonte, Christian Gaton.... It is hereby ORDERED that the pretrial conference scheduled in this case for 2/29/08, is adjourned until 3/28/08 at 11:00 a.m.... Accordingly, it is further ORDERED that the period beginning 2/22/08 through and including 3/28/08, shall be excluded from the computation of time within which trial must commence in the above captioned-case, pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), in the interests of justice. (Signed by Judge Kimba M. Wood on 2/22/08)(bw) (Entered: 02/25/2008)
02/25/2008		Set/Reset Hearings as to Roberto Cristian Urena Almonte, Christian Gaton: Pretrial Conference set for 3/28/2008 at 11:00 AM before Judge Kimba M. Wood. (bw) (Entered: 02/25/2008)
03/25/2008	138	ENDORSED LETTER as to Roberto Cristian Urena Almonte, Christian Gaton addressed to Judge Wood from David M. Rody, AUSA dated 3/26/08 re: Govt request an adjournment of the 3/28/08 conference until 5/14/08 @ 10am, and for an exclusion of time as indicated. The conference is adjourned to Wednesday 5/14/08 @ 10am, so ordered. (Signed by Judge Kimba M. Wood on 3/26/08)(pr) (Entered: 03/27/2008)

03/25/2008		Set/Reset Hearings as to Roberto Cristian Urena Almonte, Christian Gaton: Pretrial Conference set for 5/14/2008 at 10:00 AM before Judge Kimba M. Wood.. (pr) (Entered: 03/27/2008)
05/14/2008	<u>139</u>	ENDORSED LETTER as to Roberto Cristian Urena Almonte and Christian Gaton, addressed to Judge Wood, from David M. Rody, AUSA, dated 5/13/08, re: request that the pretrial conference scheduled for 5/14/08 be adjourned for approximately four weeks. -- The conference is adjourned to Tuesday, June 17, 2008 at 10:00 AM before Judge Kimba M. Wood. SO ORDERED. (Signed by Judge Kimba M. Wood on 5/14/08)(ja) (Entered: 05/14/2008)
05/14/2008	<u>140</u>	ORDER as to Roberto Cristian Urena Almonte, Christian Gaton.... ORDERED that the period beginning May 14, 2008, through and including June 17, 2008, shall be excluded from the computation of time within which trial must commence, pursuant to the Speedy Trial Act, 18 U.S.C. Sec. 3161 (h)(8)(A), in the interests of justice. (Signed by Judge Kimba M. Wood on 5/14/08)(ja) (Entered: 05/14/2008)
06/18/2008	<u>141</u>	ENDORSED LETTER as to Roberto Cristian Urena Almonte, Christian Gaton addressed to Judge Wood from David M. Rody re: Reschedule Conference as to Roberto Cristian Urena Almonte, Christian Gaton(Pretrial Conference set for 7/17/2008 at 10:00 AM before Judge Kimba M. Wood.) ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Roberto Cristian Urena Almonte, Christian Gaton.Time excluded from 6/17/08 until 7/17/08....ENDORSEMENT...Granted. The conference is adjourned to Thursday, July 17, 2008 at 10:00am. SO ORDERED. (Signed by Judge Kimba M. Wood on 6/17/08)(jw) (Entered: 06/18/2008)
06/18/2008	<u>142</u>	ORDER as to Roberto Cristian Urena Almonte, Christian Gaton as to Roberto Cristian Urena Almonte, Christian Gaton(Pretrial Conference set for 7/17/2008 at 10:00 AM before Judge Kimba M. Wood.), ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Roberto Cristian Urena Almonte, Christian Gaton. Time excluded from 6/17/08 until 7/17/08. (Signed by Judge Kimba M. Wood on 6/17/08)(jw) (Entered: 06/18/2008)
07/10/2008	<u>143</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - FIRST MOTION for Bill of Particulars and Other Relief. Document filed by Christian Gaton. Return Date set for 7/17/2008 at 10:00 AM. (London, Joyce) Modified on 7/11/2008 (jar). (Entered: 07/10/2008)
07/10/2008	<u>144</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - AFFIDAVIT of Joyce C. London in Support as to Christian Gaton re <u>143</u> FIRST MOTION for Bill of Particulars and Other Relief. (Attachments: # <u>1</u> Exhibit Bill of Particulars Request)(London, Joyce) Modified on 7/11/2008 (jar). (Entered: 07/10/2008)
07/10/2008	<u>145</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MEMORANDUM in Support by Christian Gaton re <u>143</u> FIRST MOTION for Bill of Particulars and Other Relief. (London, Joyce) Modified on 7/11/2008 (jar). (Entered: 07/10/2008)

07/10/2008	<u>146</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - Certificate of Service by Christian Gaton. Document was served on AUSA David Rody on 07/10/08. Service was accepted by USMS at USAO. (London, Joyce) Modified on 7/11/2008 (jar). (Entered: 07/10/2008)
07/11/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Joyce London as to Christian Gaton: to MANUALLY RE-FILE Document Memorandum in Support, Document No. 145. This case is not ECF. (jar) (Entered: 07/11/2008)
07/11/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Joyce London as to Christian Gaton: to MANUALLY RE-FILE Document Motion for Bill of Particulars, Document No. 143. This case is not ECF. (jar) (Entered: 07/11/2008)
07/11/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Joyce London as to Christian Gaton: to MANUALLY RE-FILE Document Affidavit in Support, Document No. 144. This case is not ECF. (jar) (Entered: 07/11/2008)
07/11/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Joyce London as to Christian Gaton: to MANUALLY RE-FILE Document Certificatet of Service, Document No. 146. This case is not ECF. (jar) (Entered: 07/11/2008)
07/16/2008	<u>148</u>	MOTION for the following relief: 1. An order pursuant to Rule 7(f) of the F.R.Cr.P. directing the government to provide critically needed particulars with respect to the heroin and cocaine trafficking conspiracy charged; 2. An order pursuant to Rule 16(a)(C)(1) of the F.R.Cr.P. directing the government to disclose any and all prior immoral or illegal acts and/or criminal convictions of the defendant which the government would seek to introduce against the defendant at least 30 days prior to trial; 3. An order directing the government to give notice of any co-defendant admissions or confessions, provide proposed redactions or to state definitively that it will not rely on such evidence at trial pursuant to Bruton v. U.S.; 4. An order directing the government to disclose all Brady and Giglio material at least 60 days prior to trial; 5. An order permitting defendant Christian Gaton to join in motions submitted by his co-defendant to the extent that they are not inconsistent with the motions submitted herein; 6. An order permitting defendant Christian Gaton to make such other and further motions as may be appropriate and necessary; and 7. For such other and further relief which this Court may deem just and proper. Document filed by Christian Gaton, dated 7/10/08. (bw) (Entered: 08/06/2008)
09/04/2008	<u>150</u>	TRANSCRIPT of Proceedings as to Roberto Cristian Urena Almonte, Christian Gaton held on 7/21/08 before Judge Kimba M. Wood. (ama) (Entered: 09/04/2008)
09/25/2008	<u>151</u>	ORDER as to Roberto Cristian Urena Almonte, Christian Gaton,. It is hereby ORDERED that the pretrial conference scheduled in this case for September 26, 2008, is adjourned until October 30, 2008, at 11:00 a.m. The adjournment of the conference until that date best serves the ends of justice and outweighs

		<p>the best interests of the public and the defendants in a speedy trial, because it will enable the parties to continue to engage in discussions of a possible disposition of the case. Accordingly, it is further ORDERED that the period beginning September 25, 2008, through and including October 30, 2008, shall be excluded from the computation of time within which trial must commence in the above captioned-case, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(8) (A), in the interests of justice.. (Signed by Judge Kimba M. Wood on 9/25/08)(mme) (Entered: 09/25/2008)</p>
10/10/2008	<u>152</u>	Subpoena: As to Christian Gaton. Requesting medical records from the Metropolitan Detention Center. (D'Avanzo, Daniel) (Entered: 10/10/2008)
11/03/2008	<u>154</u>	ENDORSED LETTER: As to Roberto Cristian Urena Almonte, Christian Gaton addressed to Judge Kimba M. Wood from Anthony L.Ricco dated 10/29/2008 re: The above referenced matter is scheduled for a pre-trial conference on Thursday. ENDORSEMENT: The conference is adjourned to Wednesday December 3 at 10:00 a.m. As to Roberto Cristian Urena Almonte, Christian Gaton(Pretrial Conference set for 12/3/2008 at 10:00 AM before Judge Kimba M. Wood.) (Signed by Judge Kimba M. Wood on 10/30/2008) (D'Avanzo, Daniel) (Entered: 11/03/2008)
11/03/2008	<u>155</u>	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE: As to Roberto Cristian Urena Almonte, Christian Gaton. Ordered that the pretrial conference scheduled for 10/30/2008 be adjourned to December 3, 2008 at 10:00 a.m. Time is excluded from 10/30/2008 until 12/3/2008. As to Roberto Cristian Urena Almonte, Christian Gaton(Pretrial Conference set for 12/3/2008 at 10:00 AM before Judge Kimba M. Wood.) (Signed by Judge Kimba M. Wood on 10/31/2008)(D'Avanzo, Daniel) (Entered: 11/03/2008)
12/03/2008		Minute Entry for proceedings held before Judge Kimba M. Wood:Pretrial Conference as to Roberto Cristian Urena Almonte, Christian Gaton held on 12/3/2008 as to Roberto Cristian Urena Almonte, Christian Gaton(Pretrial Conference set for 1/9/2009 at 10:30 AM before Judge Kimba M. Wood.) Deft Almonte is present with his atty Steve Legon (standing in for Anthony Ricco). Defendant Cristian Gaton is present with his atty Joyce London. AUSA David Rody is present. Court interpreter is present. Court reporter is present. Conference is held (see transcript). The Court will call the MDC to make sure that they comply with the Court's subpoena already signed, regarding Gaton's medical records. Counsel for Gaton shall call the Court with any difficulties that she encounters with respect to the defendant's medical condition and treatment. The next conference is scheduled for January 9, 2009 at 10:30am. Time is excluded through January 9, 2009. (jw) (Entered: 12/10/2008)
01/07/2009	<u>160</u>	TRANSCRIPT of Proceedings as to Roberto Cristian Urena Almonte, Christian Gaton held on 12/03/08 before Judge Kimba M. Wood. (ama) (Entered: 01/23/2009)
01/09/2009	<u>156</u>	ENDORSED LETTER as to Roberto Cristian Urena Almonte, Christian Gaton addressed to Judge Wood from David M. Rody dated 1/9/09 re: The Government respectfully submits this letter to confirm that the pretrial conference scheduled for January 9, 2009 has been adjourned until January

		14, 2009 at 2:00pm as to Roberto Cristian Urena Almonte, Christian Gaton (Pretrial Conference set for 1/14/2009 at 02:00 PM before Judge Kimba M. Wood.)...ENDORSEMENT...The conference is adjourned to Wednesday, January 14, 2009 at 2:00pm. SO ORDERED. (Signed by Judge Kimba M. Wood on 1/9/09)(jw) (Entered: 01/09/2009)
01/09/2009	<u>157</u>	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE: As to Roberto Cristian Urena Almonte, Christian Gaton. ORDERED that the pretrial conference scheduled in this case for January 9, 2009, is adjourned until January 14, 2009 at 2:00 p.m. ORDERED that the period beginning January 9, 2009 through and including January 14, 2009, shall be excluded from Speedy Trial calculation. Time excluded from 1/9/2009 until 1/14/2009. As to Roberto Cristian Urena Almonte, Christian Gaton(Pretrial Conference set for 1/14/2009 at 2:00 PM before Judge Kimba M. Wood.) (Signed by Judge Kimba M. Wood on 1/9/2009)(D'Avanzo, Daniel) (Entered: 01/09/2009)
01/16/2009	<u>158</u>	ENDORSED LETTER as to Roberto Cristian Urena Almonte, Christian Gaton addressed to Judge Wood from AUSA David M. Rody dated 1/14/09 re: submitted to request that the pretrial conference scheduled for 1/14/09 be adjourned until 2/19/09 at 10:30 a.m. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Kimba M. Wood on 1/16/09)(bw) (Entered: 01/16/2009)
01/16/2009	<u>159</u>	ORDER as to Roberto Cristian Urena Almonte, Christian Gaton. It is hereby ORDERED that the pretrial conference scheduled in this case for January 14, 2009, is adjourned until February 19, 2009, at 10:30 a.m. It is further ORDERED that the period beginning January 16, 2009, through and including February 19, 2009, shall be excluded from the computation of time within which trial must commence in the above captioned-case, pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), in the interests of justice. (Signed by Judge Kimba M. Wood on 1/16/09)(bw) (Entered: 01/16/2009)
02/04/2009	<u>161</u>	SEALED DOCUMENT placed in vault. (jri) (Entered: 02/04/2009)
02/04/2009	<u>162</u>	SEALED DOCUMENT placed in vault. (jri) (Entered: 02/04/2009)
02/10/2009	<u>163</u>	ORDER: As to Christian Gaton, Upon the written application of Joyce C. London, Esq., attorney for defendant Christian Gaton, in the above-captioned matter, and good cause having been shown, it is hereby ORDERED that the Metropolitan Detention Center shall transfer defendant Christian Gaton, Register No. 53320-054, forthwith to a Federal Medical Center for a medical evaluation and to determine the appropriate medication regimen for his condition. SO ORDERED. (Signed by Judge Kimba M. Wood on 2/10/2009) (dnd) (Entered: 02/10/2009)
02/17/2009	<u>164</u>	ORDER as to (S7-02-Cr-401-) Roberto Cristian Urena Almonte (7), Christian Gaton (8). It is hereby ORDERED that: 1. The application is granted and the parties are directed to appear for a pre-trial conference on Thursday, February 26, 2009. 2. Time beginning with the date of the signing of this Order is hereby excluded up to and including February 26, 2009, in calculating a speedy trial date under the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)

		(A), in the interest of justice. (Signed by Judge Kimba M. Wood on 2/17/09) (bw) (Entered: 02/17/2009)
02/17/2009	<u>165</u>	ENDORSED LETTER as to (S7-02-Cr-401-) Roberto Cristian Urena Almonte (7), Christian Gaton (8) addressed to Judge Wood from Attorney Anthony L. Ricco dated 2/17/09 re: submitted on behalf of defendant Almonte to request an adjournment of the scheduled 2/19/09 conference. ENDORSEMENT: After speaking with counsel for defendant Christian Gaton, who joins this application, the Court adjourns the conference for both defendants to Thursday, February 26, 2009 at 10:30 a.m. (Signed by Judge Kimba M. Wood on 2/17/09)(bw) (Entered: 02/17/2009)
02/26/2009	<u>166</u>	ORDER as to (S4-02-Cr-401-08) Christian Gaton. ORDERED that, pursuant to 18 U.S.C. Section 4241(a), a hearing shall be held to determine whether Defendant Christian Gaton, Reg. No. 53320-054, is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him; and it is further ORDERED that, pursuant to 18 U.S.C. Section 4241(b), a psychological evaluation of Defendant be conducted; and it is further RECOMMENDED that Defendant be transferred to a Federal Medical Center for purposes of this psychological evaluation; and it is forthwith RECOMMENDED that Defendant be withdrawn from his psychotropic and/or other medications as is appropriate for the purposes of this psychological evaluation; and it is further RECOMMENDED that after withdrawal from medication, as set forth in the preceding paragraph, the Defendant undergo physiological and/or neurological testing, as is appropriate, to determine whether there is a physical cause for his symptoms; and it is further ORDERED that, pursuant to 18 U.S.C. Sections 4241(b) and 4247(b) and (c), a psychological report be filed with the Court within 30 days of Defendant's arrival at the designated institution. SO ORDERED. (Signed by Judge Kimba M. Wood on 2/26/09)(bw) (Entered: 02/26/2009)
06/18/2009	<u>170</u>	ORDER as to Christian Gaton. A conference will be held for dft Cristian Gaton, regarding his psychiatric evaluation on Wednesday, July 1, 2009 at 10:30 a.m. SO ORDERED. (Status Conference set for 7/1/2009 at 10:30 AM before Judge Kimba M. Wood.) (Signed by Judge Kimba M. Wood on 6/18/09)(ja) (Entered: 06/18/2009)
07/01/2009		Minute Entry for proceedings held before Judge Kimba M. Wood: Pretrial Conference as to (02-Cr-401-08) Christian Gaton held on 7/1/2009. Defendant Cristian Gaton is present with his attorney Joyce London. AUSA David Rody is present. Court interpreter Carmen Barros is present. Court reporter Vincent Bologna is present. Conference is held (see transcript). The next conference is scheduled for Monday, July 20, 2009 at 2:30pm. If there has been no change of plea by this date, the parties shall appear and set a trial date. The Court wishes to try this case before September 21, 2009. Time is excluded through July 20, 2009. (bw) (Entered: 07/06/2009)
07/01/2009		ORAL ORDER as to (02-Cr-401-08) Christian Gaton. Time excluded from 7/1/09 until 7/20/09. Pretrial Conference set for 7/20/2009 at 02:30 PM before Judge Kimba M. Wood. (bw) (Entered: 07/06/2009)

07/16/2009		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Change of Plea Hearing as to Christian Gaton held on 7/16/2009. Defendant present with defense attorney JOYCE LONDON. AUSA DAVE RODY present. Court reporter present. Spanish interpreter present. Defendant consents to proceed before a Magistrate Judge. Defendant pleads guilty to COUNT SIX of the indictment. Judge Francis recommends acceptance of the plea. Pre-sentence investigation ordered. Sentencing date set for 10/21/09. Defendant remanded. (ja) (Entered: 07/17/2009)
07/16/2009		Change of Not Guilty Plea to Guilty Plea as to Christian Gaton (8) Count 6. (ja) (Entered: 07/17/2009)
07/16/2009		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Plea entered by Christian Gaton (8) Guilty as to Count 6. (ja) (Entered: 07/17/2009)
07/16/2009		Order of Referral to Probation for Presentence Investigation and Report as to Christian Gaton. (Signed by Magistrate Judge James C. Francis on 7/16/09) (ja) (Entered: 07/17/2009)
07/16/2009	177	CONSENT TO PROCEED BEFORE US MAGISTRATE JUDGE ON A FELONY PLEA ALLOCUTION by (02-Cr-401-08) Christian Gaton. (Accepted by Magistrate Judge James C. Francis on 7/16/09) (bw) (Entered: 07/20/2009)
07/20/2009	176	ORDER as to (02-Cr-401-08) Christian Gaton. The Defendant is scheduled to be sentenced on October 22, 2009 at 11:00am. The Presentence Investigation Report is due to the Court on October 8, 2009. Any sentencing submissions by Defendant must be made by October 13, 2009, and must state specifically whether Defendant contests any fact in the Presentence Report, and whether Defendant contests the appropriateness of the Probation Officer's Sentencing Recommendation. Defense counsel must arrange for the presentence interview to occur within 14 days of the defendant's guilty plea. The Government must submit a statement of facts to Probation within 14 days of the defendant's guilty plea. Probation should contact Chambers if they experience any difficulty scheduling the presentence interview or if the PSR will not be completed in a timely fashion. Any response or other submission from the Government is due October 19, 2009. So Ordered. (Signed by Judge Kimba M. Wood on 7/20/09)(bw) (Entered: 07/20/2009)
08/05/2009	179	TRANSCRIPT of Proceedings as to Christian Gaton held on July 16, 2009 at 12:20 pm before Magistrate Judge James C. Francis. (eef) (Entered: 08/13/2009)
10/20/2009	180	SEALED DOCUMENT placed in vault. (nm) (Entered: 10/20/2009)
12/11/2009	183	SEALED DOCUMENT placed in vault. (nm) (Entered: 12/11/2009)
03/29/2010	184	SEALED DOCUMENT placed in vault. (nm) (Entered: 03/29/2010)
05/24/2010	185	SEALED DOCUMENT placed in vault. (cb) (Entered: 05/24/2010)
05/24/2010	186	SEALED DOCUMENT placed in vault. (cb) (Entered: 05/24/2010)

08/04/2010	187	SEALED DOCUMENT placed in vault. (cb) (Entered: 08/04/2010)
08/04/2010	188	SEALED DOCUMENT placed in vault. (cb) (Entered: 08/04/2010)
09/09/2010	189	SEALED DOCUMENT placed in vault. (nm) (Entered: 09/09/2010)
10/05/2010	190	SEALED DOCUMENT placed in vault. (nm) (Entered: 10/05/2010)
10/20/2010	191	SEALED DOCUMENT placed in vault. (nm) (Entered: 10/20/2010)
12/07/2010	192	SEALED DOCUMENT placed in vault. (cb) (Entered: 12/07/2010)
12/07/2010	193	SEALED DOCUMENT placed in vault. (cb) (Entered: 12/07/2010)
12/30/2010	194	ENDORSED LETTER: As to Christian Gaton addressed to Judge Kimba M. Wood from Joyce C. London dated 12/30/2010 re: Defense counsel writes to respectfully request that the sentencing of defendant Christian Gaton be adjourned nunc pro tunc, from January 4, 2011 to a date and time convenient to the Court no earlier than February 16, 2011. ENDORSEMENT: The sentencing of defendant Christian Gaton scheduled for January 4, 2011 is hereby adjourned to February 22, 2011 at 11:00 a.m. SO ORDERED. (Signed by Judge Kimba M. Wood on 12/30/2010)(dnd) (Entered: 12/30/2010)
02/14/2011	195	ENDORSED LETTER as to Christian Gaton addressed to Judge Kimba M. Wood from Joyce C. London dated 2/9/2011 re: Counsel writes to request that the sentencing of the defendant be adjourned to three weeks from now at a date and time convenient to the court. ENDORSED: Sentencing is adjourned to 3/14/2011 at 11:00 AM. The Government's submission is due by 3/2/2011. Defendants submission is due by 3/9/2011. (Signed by Judge Kimba M. Wood on 2/14/2011)(ab) (Entered: 02/14/2011)
03/14/2011	196	ENDORSED LETTER as to Christian Gaton addressed to Judge Kimba M. Wood from Joyce C. London dated 3/11/11 re: Reschedule Sentencing as to Christian Gaton(Sentencing set for 4/27/2011 at 10:00 AM before Judge Kimba M. Wood)...ENDORSEMENT...Sentencing is adjourned to Wednesday, April 27 at 10:00am. Defendant's sentencing submission is due by April 20, 2011. SO ORDERED. (Signed by Judge Kimba M. Wood on 3/14/11)(jw) (Entered: 03/14/2011)
03/23/2011	197	SEALED DOCUMENT placed in vault. (mps) (Entered: 03/23/2011)
05/05/2011	198	SEALED DOCUMENT placed in vault. (mps) (Entered: 05/05/2011)
05/23/2011	199	SEALED DOCUMENT placed in vault. (nm) (Entered: 05/23/2011)
06/07/2011	201	SEALED DOCUMENT placed in vault. (nm) (Entered: 06/07/2011)
06/07/2011	202	SEALED DOCUMENT placed in vault. (nm) (Entered: 06/07/2011)
06/27/2011	203	SEALED DOCUMENT placed in vault. (nm) (Entered: 06/27/2011)
06/29/2011		Minute Entry for proceedings held before Judge Kimba M. Wood: Sentencing held on 6/29/2011 for (S4-02-Cr-401-) Christian Gaton (8) Count 6. Defendant Christian Gaton is present with his attorney Joyce London. AUSA David Rody is present. Court reporter Tom Murray is present. Court

		<p>interpreter Jordan Fox is present. The defendant is sentenced to 405 months, with credit for time served. This includes time spent in custody beginning July 17, 2005, the date the defendant was arrested on these charges. The defendant will be on supervised release for 5 years. No fine is imposed. The special assessment of \$100 is due immediately. The standard and mandatory conditions of supervised release apply, along with the following special conditions: The defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The Court authorizes the release of available drug treatment evaluations and reports to the substance abuse treatment provider, as approved by the probation officer. The defendant will be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on ability to pay or availability of third-party payment. The defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search, on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition. The defendant shall obey the immigration laws and comply with the directives of immigration authorities. The defendant is to report to the nearest Probation Office within 72 hours of release from custody. The defendant shall be supervised by the district of his residence. The underlying indictment is dismissed on motion of the Government. The Court recommends to the Bureau of Prisons that the defendant be incarcerated in a facility as close to New York as possible, in a facility that has wheelchair access. The Court recommends that the defendant receive a medical evaluation at a federal medical center. The defendant's appeal rights are read. The defendant is remanded. Time: 45 minutes. (ja); Modified on 7/1/2011 (bw). (Entered: 06/30/2011)</p>
06/30/2011		DISMISSAL OF COUNTS on Government Motion as to Christian Gaton (8) Counts 1,2,3-4,5,7,11. (ja) (Entered: 06/30/2011)
06/30/2011	<u>204</u>	FILED JUDGMENT IN A CRIMINAL CASE as to Christian Gaton (8), Count(s) 1, 11, 2, 3-4, 5, 7 are Dismissed on motion of the U.S. The defendant Christian Gaton pleaded guilty to Count(s) 6, Imprisonment: 405 months, with credit for time served. Supervised Release: 5 years. SA: \$100.00. (Signed by Judge Kimba M. Wood on 6/30/2011)(ja) Modified on 7/8/2011 (ja). (Entered: 06/30/2011)
06/30/2011		Judgment entered in money judgment book as #11,1356 as to Christian Gaton in the amount of \$ 100.00, re: <u>204</u> Judgment. (jnm) (Entered: 07/15/2011)
07/08/2011	205	SEALED DOCUMENT placed in vault. (nm) (Entered: 07/08/2011)
07/08/2011	<u>206</u>	NOTICE OF APPEAL by Christian Gaton from <u>204</u> Judgment,. Copies of Notice of Appeal mailed to Attorney(s) of Record: A.U.S.A. (CJA). (nd) (Entered: 07/08/2011)

07/08/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Christian Gaton to US Court of Appeals re: <u>206</u> Notice of Appeal - Final Judgment. (nd) (Entered: 07/08/2011)
07/08/2011	<u>207</u>	TRANSCRIPT REQUEST FORM B Filed by Christian Gaton for proceedings held on 06/29/2011 before Judge Wood. (nd) (Entered: 07/08/2011)
07/22/2011	208	SEALED DOCUMENT placed in vault. (mps) (Entered: 07/22/2011)
08/03/2011	209	TRANSCRIPT of Proceedings as to Christian Gaton held on 6/29/11 before Judge Kimba M. Wood. (jw) (Entered: 08/03/2011)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

INDICTMENT

JOSE HIDALGO, : S4 02 Cr. 401 (KMW)
a/k/a "Jose Amaurys," :
a/k/a "Jose Rosario," :
a/k/a "Picho," :
JIMMY ORTIZ, :
PEDRO VENTURA, :
ROBERTO CRISTIAN URENA ALMONTE, :
a/k/a "Cristian Urena," :
a/k/a "Villa Lona," :
CRISTIAN D. GATON, :
RAFAEL FIGUEROA, :
a/k/a "Rafael Beato," :
a/k/a "Liro," :
a/k/a "Camaron," :
HUMBERTO SANCHEZ, :
a/k/a "Chamo," :
LEOCADIO HIDALGO, :
a/k/a "Leo," :
LEONARDO ROCQUE-SANTANA, :
a/k/a "Luis M. Mendoza," :
a/k/a "Luis M. Santiago," :
a/k/a "Kuki," :
GUILLERMO DELACRUZ, :
QUILVIO SANTANA, :
a/k/a "Mayimbe," :
VICTOR DIAZ, :
a/k/a "White Horse," :
a/k/a "Querube," and :
JEFFREY BLAKE, :

Defendants. :

- - - - - X

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
Melissa J. Murphy
DEPUTY CLERK

THE RACKETEERING VIOLATIONS

COUNT ONE

The Grand Jury charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," JIMMY ORTIZ, PEDRO VENTURA, CRISTIAN D. GATON, HUMBERTO SANCHEZ, a/k/a "Chamo," LEOCADIO HIDALGO, a/k/a "Leo," GUILLERMO DELACRUZ, and QUILVIO SANTANA, a/k/a "Mayimbe," the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," Rafael Figueroa, a/k/a "Rafael Beato," a/k/a "Liro," a/k/a "Camaron," Leonardo Rocque-Santana, a/k/a "Luis M. Mendoza," a/k/a "Luis M. Santiago," a/k/a "Kuki," Victor Diaz, a/k/a "White Horse," a/k/a "Querube," Jeffrey Blake, and others known and unknown, were members and associates of a criminal organization ("the Hidalgo Organization") whose members and associates engaged in, among other things, narcotics trafficking, murder, and money laundering. The Hidalgo Organization operated throughout the New York City metropolitan area, including Upper Manhattan, the Bronx, Westchester County, and elsewhere.

2. The Hidalgo Organization, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section

1961(4), that is, a group of individuals associated in fact, although not a legal entity. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. At all times relevant to this Indictment, the Hidalgo Organization has engaged in, and its activities have affected, interstate and foreign commerce.

3. The Hidalgo Organization, led by JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," began trafficking in narcotics and engaging in other criminal activity in or about 1987. JOSE HIDALGO was soon joined by JIMMY ORTIZ, who served at times as JOSE HIDALGO's chief lieutenant, or manager, in directing the enterprise. Other individuals who served as managers of the Hidalgo Organization's narcotics-trafficking business and/or participated in murders and other acts of violence in furtherance of its business included, at various times, PEDRO VENTURA, CRISTIAN D. GATON, LEOCADIO HIDALGO, a/k/a "Leo," Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," Rafael Figueroa, a/k/a "Rafael Beato," a/k/a "Liro," a/k/a "Camaron," and others known and unknown. At times the Hidalgo Organization obtained its supplies of narcotics from HUMBERTO SANCHEZ, a/k/a "Chamo," who was assisted in supplying the drugs by Leonardo Rocque-Santana, a/k/a "Luis M. Mendoza," a/k/a "Luis M. Santiago," a/k/a "Kuki."

Other individuals who served as workers for the Hidalgo Organization's narcotics-trafficking business or assisted its operations included, at various times, GUILLERMO DELACRUZ, QUILVIO SANTANA, a/k/a "Mayimbe," Victor Diaz, a/k/a "White Horse," a/k/a "Querube," Jeffrey Blake, and others known and unknown.

4. Starting in or about 1987 and continuing up to and including the date of the filing of this Indictment, members and associates of the Hidalgo Organization distributed thousands of kilograms of cocaine and hundreds of kilograms of heroin, in both retail and wholesale quantities, throughout the New York City area. The Hidalgo Organization supplied heroin to retail drug distribution spots, among others, located in the vicinity of 182nd Street and Morris Avenue, Bronx, New York; 138th Street and Brook Avenue, Bronx, New York; 170th Street and Jessup Avenue, Bronx, New York; 184th Street and Valentine Avenue, Bronx, New York; and Franklin Street, Brooklyn, New York, and supplied cocaine to retail drug distribution spots, among others, located in two grocery stores at 2718 and 2564 White Plains Road, Bronx, New York. The Hidalgo Organization supplied wholesale quantities of heroin and cocaine to other narcotics traffickers, who obtained the drugs from Hidalgo Organization members at pre-arranged meeting points throughout the New York City area.

5. The Hidalgo Organization frequently used apartments, warehouses, and other facilities throughout the New York City area to store and conceal multiple kilograms of cocaine and heroin; millions of dollars in narcotics proceeds; records and ledgers reflecting narcotics sales and receipts of narcotics proceeds; paraphernalia and equipment for preparing, counting, weighing, and packaging narcotics and narcotics proceeds; and firearms. Some of the "stash" locations operated by the Hidalgo Organization at various times included, among others, apartments at 143 Bruce Avenue, Yonkers, New York; 1821 Nereid Avenue, Bronx, New York; 4077 Murdock Avenue, Bronx, New York; 1024 East 241st Street, Bronx, New York; 2511 Cruger Avenue, Bronx, New York; and 562 West 189th Street, New York, New York; a house in the vicinity of 222nd Street and Laconia Avenue, Bronx, New York; and a warehouse in the vicinity of East 241st Street, Bronx, New York. At times the Hidalgo Organization used the services of Jeffrey Blake, the defendant, a real estate agent working in the Bronx, New York, to locate and rent the apartments, warehouses, and other facilities that the Hidalgo Organization used as stash locations. Blake often prepared the documents necessary to rent the locations to Hidalgo Organization members in fake names or in the names of third parties. The Hidalgo Organization often hired individuals to install secure door locks at the stash locations, and to construct secret compartments, or "traps," in the floors.

ceilings, and other areas of the locations, for purposes of storing and concealing narcotics, narcotics proceeds, weapons, and other contraband.

6. At various times members and associates of the Hidalgo Organization used violence and threats of violence against other individuals, including in particular other narcotics traffickers, who challenged or posed threats to the Hidalgo Organization's narcotics-trafficking operations or its membership. Specifically, members and associates of the Hidalgo Organization threatened, conspired, and attempted to murder, and did murder, individuals who operated drug distribution spots in close proximity to spots operated by the Hidalgo Organization, and/or who interfered with or threatened members and associates of the Hidalgo Organization or its illicit activities. Members and associates of the Hidalgo Organization committed or threatened to commit such acts of violence to preserve and protect the Hidalgo Organization's power, and to enhance and promote its criminal activities. Two of the murders committed in furtherance of the Hidalgo Organization's narcotics-trafficking business occurred in or about November and December 1994, respectively, when PEDRO VENTURA, CRISTIAN D. GATON, Roberto Cristian Urena Almonte, and other members of the Hidalgo Organization conspired to murder, and did murder, two rival narcotics traffickers in order to preserve and protect a cocaine

distribution spot operated by the Hidalgo Organization at 2718 White Plains Road, Bronx, New York.

PURPOSES OF THE ENTERPRISE

7. The purposes of the enterprise included the following:

a. Enriching the members and associates of the enterprise through, among other things, the distribution and sale of narcotics, including heroin and cocaine.

b. Preserving and protecting the power, territory, and profits of the enterprise through murder, attempted murder, other acts of violence, and threats of violence.

c. Promoting and enhancing the enterprise and the activities of its members and associates.

MEANS AND METHODS OF THE ENTERPRISE

8. Among the means and methods employed by the members and associates of the Hidalgo Organization in conducting and participating in the conduct of the affairs of the enterprise were the following:

a. Members and associates of the enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder, to protect and expand the enterprise's criminal operations, including the wholesale and retail distribution of cocaine and heroin.

b. Members and associates of the enterprise used threats of physical violence and physical violence, including murder and attempted murder, against various people involved in the illegal narcotics business, including in particular rival narcotics traffickers and competitors, in order to further the enterprise's narcotics trafficking activities.

c. Members and associates of the enterprise operated a narcotics business that distributed large quantities of heroin and cocaine.

d. Members and associates of the enterprise laundered large sums of money that represented the proceeds of narcotics trafficking.

THE RACKETEERING VIOLATION

9. From at least in or about 1987 up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," JIMMY ORTIZ, PEDRO VENTURA, CRISTIAN D. GATON, HUMBERTO SANCHEZ, a/k/a "Chamo," LEOCADIO HIDALGO, a/k/a "Leo," GUILLERMO DELACRUZ, and QUILVIO SANTANA, a/k/a "Mayimbe," the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," Rafael Figueroa, a/k/a "Rafael Beato," a/k/a "Liro," a/k/a "Camaron," Leonardo Rocque-Santana, a/k/a "Luis M. Mendoza," a/k/a "Luis M. Santiago," a/k/a "Kuki," Victor Diaz, a/k/a "White Horse," a/k/a "Querube," Jeffrey Blake, and others known and

unknown, being persons employed by and associated with the enterprise described above, to wit, the Hidalgo Organization, which was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, willfully, and knowingly conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, that is, through the commission of the following acts of racketeering:

THE PATTERN OF RACKETEERING ACTIVITY

10. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

Racketeering Act One: Conspiracy to Murder and Attempted Murder of Hector Reyes, a/k/a
 "Pochy"

11. The defendants named below committed the following acts, any one of which alone constitutes the commission of

Racketeering Act One:

a. Conspiracy to Murder Hector Reyes, a/k/a
 "Pochy"

In or about March 1990, in the Southern District of New York, JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," and JIMMY ORTIZ, the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," Rafael Figueira, a/k/a "Rafael Beato," a/k/a "Liro," a/k/a "Camaron," and others known and

unknown, unlawfully, willfully, and knowingly conspired to murder Hector Reyes, a/k/a "Pochy," in violation of New York Penal Law, Sections 105.15 and 125.25, in that, with the intent to cause the death of Hector Reyes, a/k/a "Pochy," JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," and JIMMY ORTIZ, the defendants, agreed together and with each other to engage in or cause the performance of such murder.

Overt Act

On or about March 31, 1990, a co-conspirator not named as a defendant herein ("CC-1") shot and attempted to murder Hector Reyes, a/k/a "Pochy," in the vicinity of West 160th Street and Broadway, New York, New York.

b. Attempted Murder of Hector Reyes, a/k/a "Pochy"

On or about March 31, 1990, in the Southern District of New York, JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," and JIMMY ORTIZ, the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," Rafael Figueroa, a/k/a "Rafael Beato," a/k/a "Liro," a/k/a "Camaron," and others known and unknown, unlawfully, intentionally, and knowingly attempted to murder and aided and abetted the attempted murder of Hector Reyes, a/k/a "Pochy," in the vicinity of West 160th Street and Broadway, New York, New York, in violation of New York Penal Law, Sections 20.00, 110.00, and 125.25, in that, with the intent to

cause the death of Hector Reyes, a/k/a "Pochy," JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," and JIMMY ORTIZ, the defendants, engaged in conduct that tended to effect the commission of such murder.

Racketeering Act Two: Conspiracy to Murder and Murder of Celeste Suazo

12. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Two:

a. Conspiracy to Murder Celeste Suazo

In or about November 1994, in the Southern District of New York, PEDRO VENTURA and CRISTIAN D. GATON, the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Celeste Suazo, in violation of New York Penal Law, Sections 105.15 and 125.25, in that, with the intent to cause the death of Celeste Suazo, PEDRO VENTURA and CRISTIAN D. GATON, the defendants, agreed together and with each other to engage in or cause the performance of such murder.

Overt Act

On or about November 6, 1994, CRISTIAN D. GATON shot and killed Celeste Suazo, in the vicinity of 1480 Popham Avenue, Bronx, New York.

b. Murder of Celeste Suazo

On or about November 6, 1994, in the Southern District of New York, PEDRO VENTURA and CRISTIAN D. GATON, the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," and others known and unknown, unlawfully, intentionally, and knowingly murdered and aided and abetted the murder of Celeste Suazo, in the vicinity of 1480 Popham Avenue, Bronx, New York, in violation of New York Penal Law, Sections 20.00 and 125.25, in that, with the intent to cause the death of Celeste Suazo, PEDRO VENTURA and CRISTIAN D. GATON, the defendants, caused the death of Celeste Suazo.

Racketeering Act Three: Conspiracy to Murder and Murder of Damien Bautista

13. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Three:

a. Conspiracy to Murder Damien Bautista

In or about December 1994, in the Southern District of New York, PEDRO VENTURA and CRISTIAN D. GATON, the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Damien Bautista, in violation of New York Penal Law, Sections 105.15 and 125.25, in that, with the intent to cause the death of Damien Bautista, PEDRO VENTURA and CRISTIAN D. GATON, the

defendants, agreed together and with each other to engage in or cause the performance of such murder.

Overt Act

On or about December 20, 1994, CRISTIAN D. GATON shot and fatally wounded Damien Bautista in the vicinity of the Bronx River Parkway, Bronx, New York.

b. Murder of Damien Bautista

On or about December 20, 1994, in the Southern District of New York, PEDRO VENTURA and CRISTIAN D. GATON, the defendants, together with Roberto Cristian Urena Almonte, a/k/a "Cristian Urena," a/k/a "Villa Lona," and others known and unknown, unlawfully, intentionally, and knowingly murdered and aided and abetted the murder of Damien Bautista, in the vicinity of the Bronx River Parkway, Bronx, New York, in violation of New York Penal Law, Sections 20.00 and 125.25, in that, with the intent to cause the death of Damien Bautista, PEDRO VENTURA and CRISTIAN D. GATON, the defendants, caused the death of Damien Bautista.

Racketeering Act Four: Narcotics Trafficking Conspiracy

14. From at least in or about 1987 up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, JOSE HIDALGO, a/k/a "Jose Amaurys," a/k/a "Jose Rosario," a/k/a "Picho," JIMMY ORTIZ, PEDRO VENTURA, CRISTIAN D. GATON, HUMBERTO SANCHEZ, a/k/a "Chamo," LEOCADIO HIDALGO, a/k/a "Leo," GUILLERMO DELACRUZ, and QUILVIO